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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kashane Kirk, *et al.*,

Plaintiffs,

vs.

City of Phoenix, *et al.*,

Defendants.

Case No. CV 23-00836-MTL (CDB)

**STIPULATED MOTION TO
EXTEND DEADLINE TO RESPOND
TO PLAINTIFF'S SECOND
AMENDED COMPLAINT;**

AND

**STAY THE REMAINING
DEADLINES**

(Expedited Consideration Requested)

The parties, by and through counsel undersigned respectfully stipulate and request the Court extend the deadline to respond to Plaintiffs' Second Amended Complaint; and stay the remaining case deadlines while Defendants prepare their anticipated responsive pleading to the Second Amended Complaint. This stipulated request is made in good faith and not for the purpose of delay.

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1 **RESPONSE TO SECOND AMENDED COMPLAINT**

2 On September 5, 2024, the Court denied Defendants Motion to Dismiss without
3 prejudice, and gave Plaintiffs until October 7, 2024, to file a Second Amended Complaint.
4 (Doc. 53.) Plaintiffs filed their Second Amended Complaint on October 5, 2024. (Doc. 57.)
5 Pursuant to Rule 15(a)(3), Defendants have fourteen days to the Second Amended
6 Complaint, which makes the deadline to respond October 21, 2024 (accounting for the
7 original deadline falling on October 19, 2024, a Saturday).

8 After reviewing Plaintiffs' Second Amended Complaint, Defendants' counsel
9 reached out to Plaintiffs' counsel to schedule a time to meet and confer to see if the parties
10 could reach some agreement that would either eliminate the need for a motion to dismiss
11 the Second Amended Complaint, or at least narrow the issues Defendants intend to raise in
12 their anticipated motion to dismiss. Thursday, October 24, 2024, was the first mutually
13 available time for counsel to meet and confer. Accordingly, Defendants request an
14 extension to their deadline to respond to Plaintiffs' Second Amended Complaint from
15 October 21, 2024, to November 7, 2024.

16 **STAYING REMAINING DEADLINES**

17 On September 16, 2024, the parties filed a Stipulated Motion to Stay Case Deadlines
18 to account for Plaintiffs' Second Amended Complaint, and Defendants forthcoming
19 response. (Doc. 55.) The Court denied the Stipulated Motion to Stay Case Deadlines
20 without prejudice and ordered that if "Plaintiffs file a second amended complaint and
21 Defendants respond to the second amended complaint with a motion to dismiss, any party
22 may re-urge a motion to stay the remaining deadlines for completing discovery and filing
23 dispositive motions." (Doc. 56.)

24 After the parties meet and confer on October 24, 2024, Defendants will know
25 whether it can move forward with answering the Second Amended Complaint, or whether
26 a motion to dismiss is necessary. In the meantime, the parties request that the Court stay

1 all deadlines in this matter. Moreover, after the parties meet and confer to discuss the issues
 2 Defendants intend to raise in the anticipated motion to dismiss the Second Amended
 3 Complaint, they will be better situated to determine what deadlines are necessary to prepare
 4 this case for trial. Accordingly, the parties will file an amended Joint Report and Proposed
 5 Scheduling Order after Defendants file their forthcoming response (either an answer or a
 6 motion to dismiss) to Plaintiffs' Second Amended Complaint by November 7, 2024.

7 Thus, the Parties stipulate and respectfully request the Court extend Defendants'
 8 deadline to respond to Plaintiffs' Second Amended Complaint from October 21, 2024, to
 9 November 7, 2024. The parties further stipulate and respectfully request that the Court agree to
 10 stay the current case deadlines to give the parties time to meet and confer to discuss
 11 potentially eliminating the need for a motion to dismiss, or at least reach some agreement
 12 that will narrow the issues of that motion and vacate any pending matters in this case. After
 13 Defendants answer or move to dismiss the Second Amended Complaint, the parties will
 14 prepare and file an amended Joint Report and Proposed Scheduling Order on or before
 15 November 14, 2024, which will set forth new deadlines for this matter. A proposed order
 16 is filed simultaneously herewith.

17 RESPECTFULLY SUBMITTED this 20th day of October, 2024.

18
 19 BROENING OBERG WOODS & WILSON, P.C.

20 By /s/ Sarah L. Barnes
 21 Sarah L. Barnes
 22 Kelley M. Jancaitis
 23 Jeremiah M. Sullivan
 24 *Attorney for Defendants*

25 MILLS + WOODS LAW, PLLC

26 By /s/ Sean A. Woods (with permission)
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